THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No. 13686 of 2007

Dated:29-06-2007

Between:-

Mahulkar Hoktu

..Petitioner

And

The Special Deputy Collector (TW) Utnoor,
Office at Utnoor Mandal, Adilabad district
and another.

..Respondents.

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:O R D E R:

The petitioner suffered an order of ejectment ejecting him from the land in an extent of Ac.04-73 cents in survey No. 34/61 and
Ac. 02-13 cents in survey No. 34/62 situated at Gudlabori village, Kotala mandal, Adilabad district and the land in question was taken over by the Government by the order dated 27-08-1996 in Case No. TW A1/568/94 on the file of learned Special Deputy Collector (TW), Utnoor.

On a perusal of the order impugned goes to show that the case against the petitioner was initiated on the basis of the particulars submitted by the Mandal Revenue Officer, Koutala stating that the land in question situated in

agency area came in possession of the non-triable contrary to the provisions of Sub-section (1) of Section 3 of the Andhra Pradesh State Agency Land Transfer Regulation Act, 1959 (for short 'the Act') read with Amended Regulation I of 1970. It is the contention of the petitioner that the land in question was mortgaged in his favour and subsequently he has purchased the said land by unregistered sale deed and on a plain paper on 10-03-1985 for a valuable consideration.

In the facts and circumstances of the case, I am of the opinion that there was no legal transfer of land in question, situated in scheduled area, in favour of the petitioner, who is a non-triable. Therefore it is a clear violation of the provisions of the Act. However, there is an alternative remedy of appeal available to the petitioner against the order of the Agent to the Government i.e., Special Deputy Collector (TW), Utnoor. The petitioner after a lapse of eleven (11) years filed this writ petition questioning the order impugned. I am of the view that the writ petition filed by the petitioner is not maintainable and there are no merits in the writ petition. Accordingly the writ petition is dismissed. No costs.

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V. ESWARAIAH, J

Dated: 29-06-2007.
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